IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.292 OF 2006

IN

SUMMARY SUIT NO.1055 OF 2006

Smt Shobha R. Shah ...Plaintiff

v/s

Mr Kamlesh Shah ...Defendant

Mr J.V. Parmar for Plaintiff.

Mr M.J. Devani for Defendant.

CORAM : D.K. DESHMUKH J.

DATE : 15TH NOVEMBER 2006.

P.C. :-

1. By consent of parties, summons for judgment is disposed off in following terms :-

. A) In case within a period of twelve weeks from today, the defendant deposits an amount of Rs.50,000/- in this Court, with due intimation to the plaintiff, summons for judgment shall stand disposed off and leave to defend the suit shall stand granted to the defendant. In that event, written statement to be filed within eight weeks thereafter.

. B) In case the amount is deposited, the Prothonotary and Senior Maser of this Court shall permit the plaintiff to withdraw the amount on furnishing bank guarantee to the satisfaction of the Prothonotary and Sr.Master and an undertaking to this Court to redeposit the amount on such terms and conditions as may be directed by this Court, stating therein that the rate of interest on the amount withdrawn shall not be less than 12 % p.a.

. C) In case the amount is not withdrawn within a period of six weeks from the date of deposit, the amount be deposited in a fixed deposit in any

nationalised bank for appropriate period.

. D) If the defendant does not deposit the amount as directed above, this summons for judgment shall stand granted and the suit of the plaintiff shall stand decreed in terms of the prayer clause of the suit. In that event, the plaintiff shall be entitled to refund of court fees as per rules.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.